

DOCKET NO: 202689US2X SRD

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF : ALLOWED: SEPTEMBER 24, 2008
HIROSHI SHIRAKAWA, ET AL. : EXAMINER: HAVAN, THU THAO
SERIAL NO: 09/773,913 :
FILED: FEBRUARY 2, 2001 : GROUP ART UNIT: 3693
FOR: AUCTION SYSTEM AND :
METHOD

PETITION UNDER 37 CFR §1.181

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants respectfully petition in accordance with 37 CFR §1.181(a)(3) that the Information Disclosure Statement (PTO-1449) filed on October 10, 2006 be considered by the Examiner and that the above-mentioned IDS (PTO-1449) form be signed and returned indicating a consideration of the documents and other references listed on the form.

STATEMENT OF FACTS

Subsequent to the Notice of Allowance mailed on September 24, 2008, applicants' representative, Fred L. Braun, while performing a post allowance review of the file, discovered that the IDS filed on October 10, 2006 was not considered or commented on by the Examiner in any of the previous Office Communications. Upon reviewing the Image File Wrapper on Private PAIR, applicants' representative discovered that all of the documents and other references listed on the IDS filed on October 10, 2006 can be found in PAIR. Accordingly, applicants submit that the above-mentioned IDS meets the minimum requirements of 37 C.F.R. §1.97 and 37 C.F.R. §1.98. Applicants representative called the

Examiner on October 27, 2008 and October 28, 2008 in an attempt to reach an agreement that the IDS would be fully considered but was unsuccessful.

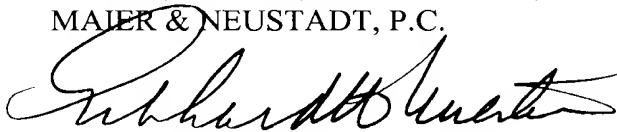
It is respectfully submitted that a copy of the date-stamped mail room filing receipt and copies of all of the documents filed with the IDS on October 10, 2006 are not necessary since they can be found in PAIR.

ACTION REQUESTED

It is respectfully requested that the Examiner be supplied with the application file so that she may provide Applicants with a copy of the above-mentioned IDS indicating proper consideration of the listed documents and other references.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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